

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	
)	Case No. 18-20215
NCW Properties, LLC,)	
)	Chapter 11
Debtor.)	
<hr/>		Honorable Timothy A. Barnes

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING
TO RIEMER & BRAUNSTEIN LLP, COUNSEL TO THE DEBTOR, FOR ALLOWANCE AND
PAYMENT OF FINAL COMPENSATION AND REIMBURSEMENT OF EXPENSES

TOTAL FEES	\$ 347,621.15	TOTAL COSTS	\$ 18,719.83
REQUESTED:		REQUESTED:	
TOTAL FEES REDUCED:	\$ 4,460.50	TOTAL COSTS REDUCED:	\$ 1,511.36
TOTAL FEES ALLOWED:	\$ 343,160.75	TOTAL COSTS ALLOWED:	\$ 17,208.47

TOTAL FEES AND COSTS ALLOWED: \$ 360,369.22

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the right of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$2,657.90

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”). The fee application contained some time entries that lumped discrete tasks together, such as drafting work and legal research, without indicating how much time was spent on each task.

(2) Computational or Typographical Error – TOTAL of disallowed amounts: \$65.00

The court denies the allowance of compensation for the following tasks because the amount of fees appears to be a computational or typographical error. Also, where there are two identical entries (same day, same tasks, same time billed), the court will consider one of the entries to be a typographical error. There was one instance of a duplicative entry included in the fee application.

(3) Unreasonable Time – TOTAL of disallowed amounts: \$680.00

The Court denies the allowance in part of compensation for the indicated task(s) since the professional or paraprofessional expended an unreasonable amount of time on the task(s) in light of

the nature of the task(s), the experience and knowledge of the professional performing the task(s), and the amount of time previously expended by the professional or another on the task(s). *In re Pettibone*, 74 B.R. 293, 306 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“The Court will determine what is the reasonable amount of time an attorney should have to spend on a given project... An attorney should not be rewarded for inefficiency. Similarly, attorneys will not be fully compensated for spending an unreasonable number of hours on activities of little benefit to the estate.”); *In re Wildman*, 72 B.R. 700, 713 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (same). At least one entry appeared to bill an unreasonable amount of time relative to the services provided.

(4) Meal Expenses – TOTAL of disallowed amounts: \$523.06

The Court denies the allowance of reimbursement of meal expenses. *In re Covent Guardian Corp.*, 103 B.R. 937, 942 (Bankr. N.D. Ill. 1989) (Sonderby, J.) (“[I]t is highly unlikely that counsel could prove that the meal expenses were reasonably necessary for the proper representation of the debtor . . . If the attorney were not working on the case, he would still have to eat. Accordingly, the Court finds that, except in very limited circumstances, local meals are not reasonably necessary for the proper representation of the client.”). The application seeks reimbursement for a number of meals, averaging \$75.72 per meal.

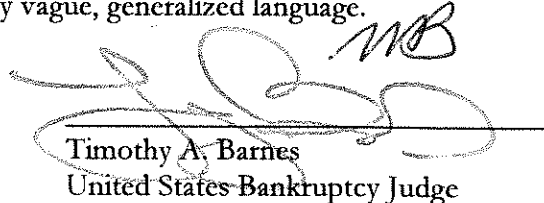
(5) Reimbursement Limited to Necessary Expenses – TOTAL of disallowed amounts: \$988.30

The Court denies the allowance of reimbursement for expenses that were not actually and necessarily incurred by the applicant. *See* 11 U.S.C. §§ 330(a)(1)(B) & 331. The fee application fails to demonstrate that the requested expenses for car and rideshare services and the quoted rates therefor, averaging \$92.83 per trip, were necessary and reasonable in light of the prevailing, lower rates and/or alternate transportation options. In addition, the application also fails to demonstrate that a single unexplained “housekeeping” expense of \$60.00 was necessary or reasonable for the representation of the Debtor (or related to such representation).

(6) Insufficient Description – TOTAL of disallowed amounts: \$1,057.50

The Court denies the allowance of compensation for the indicated task(s) as the description of each task fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable.”); *In re Wildman*, 72 B.R. 700, 708-09 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (same). There were a small number of entries which contained insufficient information for the court to reasonably identify the services rendered, for example, entries reading only “attention to documents” or similarly vague, generalized language.

Dated: October 22, 2019


Timothy A. Barnes
United States Bankruptcy Judge

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 1

For Professional Services Rendered

Invoice Number: 608118

Re: 43326.00014
Sale (Post Closing)

October 1, 2018	ALB	Telephone call from GWright re various issues including Blue Cross, NASCAR and Gelder	0.30
October 1, 2018	ALB	Telephone call from Kelly, counsel to Blue Cross and employee insurance issues in order to transition coverage	0.20
October 1, 2018	ALB	Telephone call from DStukes re status and Blue Cross issues and potential resolution	0.20
October 2, 2018	ALB	Telephone call from DStukes re Blue Cross	0.20
October 2, 2018	ALB	Further telephone call from Kelly, counsel to Blue Cross	0.20
October 2, 2018	ALB	Further telephone call from Gary re Blue Cross; conference with Gary re sale immediate transition need	0.20
October 3, 2018	ALB	Email from D. Stukes regarding his communication to client of deal closing on Store/Vieste side	0.10
October 3, 2018	ALB	Follow up with client regarding Berwyn lease status transfer	0.50
October 3, 2018	ALB	Call from Gary regarding Blue Cross; call to Blue Cross counsel	0.30
October 9, 2018	ALB	Telephone call to and email from D. Stukes regarding status of agreement/execution of Store, Cook, Berwyn	0.10
October 11, 2018	ALB	Email from and to D. Stukes regarding sale transition	0.10
October 11, 2018	ALB	Telephone call to D. Stukes regarding sale	0.20

Rierner & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 2

		consummation and Gelder	
October 12, 2018	ALB	Telephone conference with client and D. Stukes regarding status of Store and Cook agreements	0.20
October 15, 2018	ALB	E-mail from Don regarding Berwyn lease closing	0.10
October 16, 2018	ALB	Telephone conference with Don and Dean regarding closing between store, Berwyn and Cook tomorrow	0.20
January 17, 2019	MXT	Review filed operating report filed by debtor and send comments to A. Braunstein	0.50
January 18, 2019	ALB	Review analysis of MT re MOR and e-mail to D. Stukes needing explanation	0.10
January 18, 2019	ALB	E-mail and telephone from and telephone to D. Stukes re operating report issue and concern in light of amounts, losses and buyer issues as monies are from buyer, not transitioning account	0.30
January 18, 2019	ALB	Detailed e-mail from Don responding to inquiries based on his follow up with the debtor as to MOR income	0.10
January 18, 2019	ALB	Consideration of how to address MOR issue arises at Status hearing and need to make disclosure due to Vieste alleged default and plan implications	0.20
January 18, 2019	ALB	E-mail to Don regarding follow-up needed regarding Vieste	0.10
January 18, 2019	ALB	Review and consider as well as need to potentially explain/address at hearing on Tuesday regarding income/operating reports	0.20
February 7, 2019	ALB	E-mail from PBlock re Edison bill; forward to client and Don	0.10
March 20, 2019	ALB	Email to Don regarding operating report and	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 3

		consideration of footnote that funds are those of Vieste	
July 1, 2019	ALB	E-mail from MMyers counsel to Store re inquiry on releases and consider response for client review but first forward to DStukes for comments and proposed means to respond in that my interpretation of a document has no bearing as document speaks for itself	0.30
July 1, 2019	ALB	Telephone call from DStukes re Store inquiry	0.10
		Total Fees	\$3,527.00
Disbursements:			
		Total Expenses and Disbursements	<u>0.00</u>
		Total Bill	\$3,527.00

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 1

For Professional Services Rendered

Invoice Number: 608112

Re: 43326.00004
Investigation

October 5, 2018	ALB	Telephone call from Don re pre-call with proposed counsel to liquidating trustee re 2016 transaction	0.20
October 17, 2018	ALB	Review attachments of e-mails from D. Stukes with assorted summaries of the 2016 transaction	0.20
February 19, 2019	ALB	Review list of payments from journal entries of the debtor forwarded from DStukes and highlight potential avoidance actions	1.10
February 19, 2019	ALB	E-mail to DStukes with respect to questionable recipients as outside ordinary course and/or potentially avoidable payments	0.10
February 19, 2019	ALB	Telephone call to DStukes re payments and potential recoveries	0.30
February 19, 2019	ALB	Further (PM) telephone call to DStukes re potential avoidance payments and need complete list of journals so as to continue analysis as well as Don's proposed call with Buckendorf and strategy	0.30
February 20, 2019	ALB	Receipt of additional journal ledgers and review payments, from same; outlining ones in question/potentially recoverable	1.20
February 20, 2019	ALB	E-mail list of entities to DStukes as to potential claims for return of funds	0.20
February 20, 2019	ALB	Further receipt of additional journal entities from	0.90

Rierner & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 2

DStukes of payments			
February 20, 2019	ALB	E-mail to Stukes with additional names of potential defendants of Chapter 5 claims	0.10
February 21, 2019	ALB	Telephone call to DStukes (pm) re his discussions with Dean and Larry Ross regarding payments	0.40
May 3, 2019	ALB	Further work on litigation review and analysis	0.40
May 6, 2019	ALB	Work on further litigation analysis	1.80
May 13, 2019	PHS	Meeting with ALB regarding preference demands (no charge time)	0.30
May 13, 2019	JDG	Work session with PHS and ALB analyzing merits of potential fraudulent transfer claim relating to the acquisition financing from Store Capital	0.20
May 14, 2019	ALB	Consideration of issues re claims and litigation	0.40
Total Fees			\$5,637.00

Disbursements:

Total Expenses and Disbursements 0.00

Total Bill \$5,637.00

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 1

For Professional Services Rendered

Invoice Number: 608111

Re: 43326.00003
NASCAR

October 17, 2018	ALB	Receipt/review and forward letter from NASCAR regarding alleged administrative claim	0.10
January 25, 2019	ALB	Receipt of NASCAR request for allowance of administrative expenses and consideration of implications	0.10
January 26, 2019	ALB	E-mails (2) from DStukes in response to my e-mail of Friday regarding Application of NASCAR for administrative expense and detrimental implications to plan if deemed an allowed administrative claim, especially in light of Debtor's position that deal had been made with new owner, and of purported affirmative claim against NASCAR	0.10
January 26, 2019	ALB	Consideration of strategic means to address NASCAR application	0.20
January 28, 2019	PHS	Review application for admin expense by NASCAR and consider opposition strategy (no charge time)	1.60
January 28, 2019	ALB	Work session with PHS and PBlock re NASCAR administrative claim, substantive issues of claim and amount, need further documents to assess, including sale documents	0.60
January 28, 2019	ALB	Review documents related to NACARSAR for purposes of examining grounds to determine disposition, including license and sale documents and outline	0.40

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 2

		potential/proposed grounds of objection	
January 28, 2019	ALB	Review and respond to e-mail from GMoss regarding factual and legal analysis and strategy regarding NASCAR claim	0.30
January 28, 2019	GBM	Review emails relating to NASCAR administrative claim	0.20
January 28, 2019	GBM	Review related documents and emails during case regarding NASCAR	0.30
January 28, 2019	GBM	Email exchange with P. Block regarding NASCAR issues	0.10
January 28, 2019	GBM	Email to ALB re issues raised by admin claim of NASCAR	0.10
January 28, 2019	GBM	Short legal research re standards for admin claims in chapter 11, including valuation, burden of proof, and presumptions	0.50
January 28, 2019	GBM	Email to ALB with research analysis	0.20
January 28, 2019	GBM	Email exchange w/ ALB regarding relevant facts and law in case relating to NASCAR claim	0.20
January 28, 2019	GBM	Review and revise draft letter to NASCAR counsel regarding admin claim and hearing	0.10
January 28, 2019	GBM	Email to ALB re NASCAR claim issues	0.10
January 28, 2019	PJB	Review NASCAR's administrative claim and consider options in response (no charge time)	0.40
January 29, 2019	PHS	Conference with ALB regarding objections to Admin claim of NASCAR (no charge time)	0.30
January 29, 2019	PHS	Review license agreement and issues relating to	0.80

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 3

		objection of admin claim of NASCAR	
January 29, 2019	ALB	Prepare for call re NASCAR administrative claim and intended objection including further review of documents	0.40
January 29, 2019	ALB	Work session with GMoss re strategy for objection	0.50
January 29, 2019	ALB	Telephone conference with client, discuss status re: Nascar	1.10
January 29, 2019	GBM	Conference call with client, client consultant, and ALB regarding all aspects of NASCAR administrative claim and approach to resolution of same and filing of a plan	1.10
January 29, 2019	GBM	Conference with ALB after call regarding same, possible bar date, and drafting of Objection	0.50
January 29, 2019	GBM	Email to MXT regarding suggested structure of an Objection to be drafted, with arguments	0.60
January 29, 2019	PJB	Telephone conference with ALB, GM, Mr. Stukes, Mr. Tomich and others regarding approach to NASCAR's administrative claim (no charge time)	1.10
January 30, 2019	PHS	Further review license agreement and issues to be addressed in opposition to NASCAR Motion for Administration Expense (no charge time)	0.30
January 30, 2019	PHS	Strategy discussion with Macken Toussaint (no charge time)	0.20
January 30, 2019	ALB	Finalize e-mail to NASCAR's counsel regarding requested adjournment of February 12 hearing so as to combine hearing with status hearing on March 5 to save administrative expense; e-mail from NASCAR'S counsel in agreement	0.10

Rierner & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 4

January 30, 2019	ALB	Review and consideration of comments and observation regarding e-mail from GBM regarding outline of objection grounds to NASCAR administrative claim based on discussions with client yesterday	0.20
January 30, 2019	ALB	Further review e-mail analysis from GBM elaborating on further grounds regarding objection to administrative claim of NASCAR	0.20
January 30, 2019	GBM	Review and analyze License Agreement of 1/1/2018 with NASCAR	0.20
January 30, 2019	GBM	E-mail exchanges regarding handling of issues related to NASCAR admin claim, including Objection, impact of provisions in agreement, additional argument to be added, aspects of valuation of NASCAR contribution to estate, if any, and appropriate legal standard for NASCAR claim	0.90
January 30, 2019	MXT	Conference with P. Sutton regarding potential objection to administrative claim filed by NASCAR and issues related to same	0.20
January 30, 2019	MXT	Attention to documents and communications regarding administrative claim filed by NASCAR and potential objection, analysis and strategies	0.60
February 1, 2019	MXT	Attention to emails and documents regarding NASCAR's administrative claim, and intending objection to same	0.60
February 4, 2019	PJB	Review Judge Barnes' standing order and procedures and prepare order continuing NASCAR's application to March status hearing (no charge time)	0.40
February 5, 2019	PHS	Follow up with Macken Toussaint regarding additional grounds for objection to admin claim of NASCAR (no	0.30

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 5

		charge time)	
February 5, 2019	ALB	Further review issues and e-mails re NASCAR's administration claim and objection grounds and strategy	0.20
February 5, 2019	GBM	Further legal research regarding time to file a damage claim from rejection of NASCAR agreement	0.60
February 5, 2019	GBM	Review NASCAR proof of claim	0.10
February 5, 2019	GBM	Email regarding analysis of NASCAR's claims in case and strategy	0.10
February 5, 2019	GBM	Email exchanges regarding impact, if any, of change in proposed terms of payment of NASCAR fees during case	0.10
February 5, 2019	GBM	Email exchange with MXT regarding arguments that NASCAR might make for its admin claim, not made, and rebuttal	0.20
February 5, 2019	MXT	Attention to legal research regarding administrative priority claim standard in bankruptcy for potential objection to NASCAR's request for administrative priority claim, including objection grounds and analysis	1.50
February 5, 2019	MXT	Review NASCAR's motion for administrative expense claim, and review NASCAR's license agreement related to same	0.50
February 5, 2019	MXT	Prepare and review objection to NASCAR's administrative expense claim, and attention to research materials and other documents regarding claim and objection grounds	2.50
February 6, 2019	PHS	Follow up with ALB regarding strategy regarding NASCAR (no charge time)	0.40

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 6

February 6, 2019	ALB	Work on evaluation and review of research background and issues regarding NASCAR objection and strategy	1.30
February 6, 2019	ALB	E-mail to GMoss as to objection grounds regarding NASCAR administrative claim	0.10
February 6, 2019	ALB	E-mail from Guy Moss as to comments to objection regarding NASCAR	0.10
February 6, 2019	ALB	Coordinate consolidating date of NASCAR to coincide with status hearing to minimize expenditures of two hearing dates (no charge time)	0.10
February 6, 2019	GBM	Email exchanges regarding need and timing for the rejection of the NASCAR License Agreement, and case strategy	0.70
February 6, 2019	MXT	Continue review of case law research regarding administrative expense claim related to NASCAR's claim; prepare research notes	5.30
February 6, 2019	PJB	Correspondence to Attorney Pellegrini regarding continuing hearing on NASCAR's application to March status hearing (no charge time)	0.10
February 7, 2019	MXT	Further prepare and review draft objection to administrative expense claim filed by NASCAR based on documents and research related to same	3.40
February 7, 2019	MXT	Additional review of case law materials and relevant bankruptcy pleading in case related to objection to NASCAR's administrative claim	2.60
February 8, 2019	ALB	E-mail from and to MT re NASCAR objection (no charge time)	0.10
February 8, 2019	ALB	E-mail to MT and GMoss with update on Vieste as to	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 7

		basis to reject lease provided notice to Vieste in light apparent lack of resolution		
February 8, 2019	GBM	Email regarding desirability of rejecting NASCAR agreement now (no charge time)	0.10	
February 8, 2019	GBM	Review and revise draft Objection to NASCAR admin claim; email team regarding same	1.10	①
February 8, 2019	GBM	Review and revise draft Objection to NASCAR admin claim	0.10	②
February 8, 2019	MXT	Revise objection to NASCAR's administrative claim, including with respect to case cites	1.20	
February 8, 2019	MXT	Prepare and review motion to reject NASCAR's license agreement; attention to relevant case law research for same and review materials	5.80	①
February 9, 2019	GBM	Legal research regarding status of an executory contract during case and prior to rejection	0.60	
February 9, 2019	GBM	Review and revise draft motion to reject License Agreement with NASCAR	0.60	
February 9, 2019	GBM	Email on rejection of NASCAR license	0.10	
February 9, 2019	GBM	Review new article in ABI Journal on granting admin claim status to certain equipment lessors during case even though equipment isn't used	0.30	
February 9, 2019	GBM	Email regarding case law as it relates to draft objection to NASCAR admin claim for license fees	0.20	
February 11, 2019	ALB	Review objection to NASCAR claim	0.30	
February 11, 2019	ALB	Review motion to reject license agreement with NASCAR	0.30	

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 8

February 11, 2019	MXT	Revise objection to NASCAR's administrative expense claim including with respect to GM comments and other clean up changes; attention to follow up communications regarding motion	0.90	(1)
February 11, 2019	MXT	Attention to additional cases and review same regarding enforcement of contracts not yet assumed or rejected with respect to objection to NASCAR's administrative claim	0.70	
February 11, 2019	MXT	Revise motion to reject NASCAR's license agreement	0.70	
February 11, 2019	MXT	Attention to additional case law research and revise same related to motion to reject NASCAR's license agreement	0.40	
February 11, 2019	PJB	Exchange communications with Attorney Pelligrini regarding NASCAR's application and continuing to March 5, 2019 hearing	0.30	
February 19, 2019	MXT	Attention to documents and communications regarding draft objection to NASCAR's administrative claims, and debtor's motion to reject license agreement, and filing status of same	0.20	
February 20, 2019	NMD	Prepare certificate of service and prepare for service regarding objections (no charge time)	1.60	
February 20, 2019	SXA	Electronically submit Debtor's Motion for an Order Approving Rejection of NASCAR License Agreement and Objection to Application of NASCAR License Operations (no charge time)	0.20	
February 28, 2019	ALB	Telephone call from and telephone call to SStolte counsel to NASCAR re administration claim and commence negotiations	0.40	

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 9

February 28, 2019	ALB	Telephone call from Dean re discussions with NASCAR	0.10
March 1, 2019	ALB	Telephone call from DStukes regarding his discussions with Dean and Cook re NASCAR's continued negotiations and continuation with Vieste post sale	0.20
March 1, 2019	ALB	Receipt and review of NASCAR proposal outline to Cook from December evidencing NASCAR's knowledge of license by Vieste since sale date	0.10
March 1, 2019	ALB	Consideration of strategy in light of recent developments of Cook and NASCAR post sale negotiation	0.20
March 4, 2019	ALB	Review discrepancy in Vieste/NASCAR agreement and e-mail to Lantz, D. Stukes and Tomich	0.10
March 4, 2019	NMD	Obtain documents for ALB regarding NASCAR, e-mail same	0.10
March 5, 2019	ALB	Telephone call to Sharon Stolte prior to hearing and reach resolution	0.20
March 5, 2019	PJB	Review NASCAR's request for administrative claim, debtor's objection, and related filings and docket in preparation for hearing on 3/5/19	0.70
March 7, 2019	GBM	Conference with ALB regarding results at March 6 hearing in Chicago, handling or possible settlement of NASCAR claims, and next steps (no charge time)	0.20
March 11, 2019	ALB	E-mail request of S Stolte re call with NASCAR, Buckendorf and lawyers re NASCAR's issues	0.10
March 11, 2019	ALB	E-mail to Sharon Stolte, counsel to NASCCAR, as to debtor's position that issues are between plan funder and NASCAR	0.10
March 11, 2019	ALB	E-mail from Sharon further requesting my involvement	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 10

		in call; e-mail that I will participate	
March 12, 2019	ALB	Further e-mail from Sharon Stolte re her requested conference call and her e-mail to R Lantz, new counsel to new operator and proposed plan funder	0.10
March 13, 2019	ALB	E-mail to Sharon of NASCAR re call	0.10
March 13, 2019	ALB	E-mail to RLantz re debtor's assessment of call with NASCAR and position	0.10
March 13, 2019	ALB	Telephone call from R. Lantz re call with NASCAR and debtor's position re NASCAR's claim as not valid as well as plan implications	0.30
March 13, 2019	ALB	Telephone conference with Nascar counsel and principals, Luntz, Debtor and Stolte	0.80
March 13, 2019	ALB	Telephone from Debtor Sollte re: Nascar	0.20
March 20, 2019	ALB	Email from Dean as to Buckendorf status with NASCAR and email to Dean of my discussions with Buckendorf's counsel	0.10
March 29, 2019	ALB	E-mail to MT with further updated information as it relates to NASCAR and unresolved disputes	0.20
April 2, 2019	ALB	Detailed message to counsel to Buckendorf regarding NASCAR (no charge time)	0.10
April 8, 2019	ALB	Work on claims analysis for Disclosure Statement while awaiting Buckendorf written proposal and disposition re NASCAR by Buckendorf	1.10
April 16, 2019	ALB	Receipt of notice of withdrawal of NASCAR request for administrative claim; forward to DStukes as to resolution consistent with plan	0.10
April 18, 2019	ALB	E-mail from and to SStolte counsel to NASCAR re	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 11

		agreement for rejection of license and for proposed order	
April 25, 2019	ALB	Work on proposed order re license and have forwarded to Sharon Stolte for review	0.10
April 26, 2019	ALB	E-mail from Sharon counsel to NASCAR re comment to proposed agreed Order on rejection of license agreement; consider and respond with agreement and readiness to file	0.10
May 7, 2019	ALB	E-mail from SStolte NASCAR's counsel re proposed order on motion of debtor to reject license and review her further comments	0.10
May 9, 2019	ALB	Attention to NASCAR license proposed order in light of comment from court as to order addressing both rejection motion and withdrawal of NASCAR admin claim (both having been resolved by agreement) and joint order as requested to be submitted and commence work on revisions	0.20
May 15, 2019	ALB	E-mail from PBlock as to hearing matters still on calendar for NASCAR license matters since resolved; prepare to address and to incorporate into order	0.10
May 17, 2019	ALB	Telephone call to Sharon Stolte re proposed revisions to draft proposed order on NASCAR license and multiple matters are to be consolidated	0.10
May 17, 2019	ALB	Proposed further revised language for order and incorporate and further revise, check docket for references to pleadings to ensure properly referenced and addressed; finalize proposed order	0.30
May 17, 2019	ALB	E-mail from SStolte approving proposed order and revisions so as to be submitted to court and ensure compliance with Judge Barnes' procedural instructions	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 12

obtained during May 8 hearing		
Total Fees		\$28,483.50
Disbursements:		
March 1, 2019	Photocopies (Internal)	0.20
March 1, 2019	Photocopies (Internal)	2.40
March 1, 2019	Photocopies (Internal)	2.00
March 1, 2019	Photocopies (Internal)	3.20
March 1, 2019	Photocopies (Internal)	0.40
March 1, 2019	Photocopies (Internal)	8.40
May 8, 2019	Photocopies (Internal)	0.20
Total Expenses and Disbursements		<u>16.80</u>
Total Bill		\$28,500.30

RIEMER | BRAUNSTEIN

Please remit to this address:
100 Cambridge Street, 22nd Floor
Boston, Massachusetts 02114-2527
billingadmin@riemerlaw.com
(617) 880-3459
Tax Payer ID: 042126351

NCW Properties, LLC

September 18, 2019

Page 1

For Professional Services Rendered

Invoice Number: 608114

Re: 43326.00007

Plan Development and Negotiations

October 11, 2018	ALB	Work on plan outline	1.20
October 11, 2018	ALB	Telephone conference with Dean and Don regarding status, Buckendorf funding potential and lease issue regarding Berwyn	0.20
October 16, 2018	ALB	E-mail from Don regarding post sale closing	0.10
October 16, 2018	ALB	Review requested detail from US Trustee	0.10
October 16, 2018	ALB	Consider plan proceeding in light of all closings and readiness	0.10
October 16, 2018	ALB	E-mail regarding bar order	0.50
October 26, 2018	ALB	Review schedules for plan consideration as to likely claims	0.20
October 29, 2018	ALB	Work session with MT re outline of plan and for commencement of work on disclosure statement draft	0.50
October 29, 2018	MXT	Meet with A. Braunstein regarding potential chapter 11 plan and disclosure statement, and terms for preparation of same	0.50
October 29, 2018	MXT	Attention to documents regarding plan	0.10
November 2, 2018	MXT	Review plan support agreements; revise claims analysis chart, and attention to other documents regarding same	0.70
November 13, 2018	ALB	E-mail to and from D. Stukes regarding meeting with client as to plan and request from proposed counsel to	0.10

Riemer & Braunstein LLP
100 Cambridge Street Boston, Massachusetts 02114-2527

BOSTON

NEW YORK

CHICAGO

MIAMI

BURLINGTON